REMARKS

Claims 1-14 are all the claims pending in the application. Applicants amend claim 11.

Claim objections

Claim 11 is objected to because of a minor informality.

In view of the amendment to claim 11 submitted with this Amendment, Applicants respectfully request the Examiner to withdraw the objection to claim 11. Also, Applicants respectfully submit that the modification should be entered as it does not raise new issues requiring further consideration.

Claims rejections

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ehud Spiegel (5,615,282; hereinafter "Spiegel") in combination with Masataka Hasegawa et al (US 6,856,410; hereinafter "Hasegawa"). Applicants traverse the rejection for at least the following reasons.

In the October 9th Amendment, Applicants submitted that it would not have been obvious to one of ordinary skill in the art to combine the references because the references teach away from each other. In particular, Applicants submitted that the merging function disclosed in Spiegel teaches away from independent processing taught in Hasegawa.

In response, the Examiner states that "the color processing (numeral 12) of which gradation correction is correlated, is established before the spatial processing (number 14) of which the merging of the data actually takes place...Combining Hasegawa with Spiegel would simply mean that the respective LUT's implementing gradation correction for the LW and CT

image data as taught by Hasegawa would occur at a time preceding that of the conversion and section of the image data as taught by Spiegel." See page 15, first paragraph of the Office action. Applicants respectfully disagree.

In response to the Examiner's rebuttal, Applicants respectfully submit that the Examiner appears to be mixing and matching embodiments of the different disclosures of Spiegel and Hasegawa, which cannot support the rejection. For example, the Examiner's reliance of FIG. 1 of Hasegawa pertains to an embodiment where the data is **never** synthesized but rather is output via separate LW and CT exposure modules (see **column 9, lines 1-57**). In particular, Hasegawa discloses that "even the image data after the character and image is composed once, because the character and image are separated from the image value and **the exposure control can be separately conducted**." (column 9, lines 49-57). That is, the first embodiment of Hasegawa discloses **separate exposure control** for each of the LW and CT data.

In the remaining embodiments of Hasegawa, an LUT composite will be used (see column 9, line 58 to column 16, line 54). Thus, the first relied upon embodiment of Hasegawa does clearly teach away from claim 1, which describes a synthesis. The Examiner acknowledges such separateness in page 15-16 of the detailed action. The independent exposure of Hasegawa negates the synthesis, thereby teaching away from claim 1 and Spiegel. It is well settled that features of different embodiments cannot support a rejection. *Ex parte Beuther, 71 USPQ2d 1313, 1316 (BPAI 2003).* This clearly underscores and supports prior submitted arguments that Spiegel **teaches away** from the independent gradation treatment since the reference teaches merger of CT and LW data in the LUT decision setting. (see FIG. 25 of Spiegel and column 61, lines 49-60). Though the Examiner attempts to bifurcate the gradation correction process (12)

from the spatial process (14), this does not negate the fact that both references teach disparate embodiments which **preclude** independent gradation treatment but then accommodates synthesis.

Furthermore, with regard to the Examiner assertion in page 5 of the Office action that FIG. 2 of Hasegawa shows gradation correction process so as to correct the CT image and the LW image data received by the image reception section, independent of each other, Applicants the following.

In FIG. 2 of Hasegawa, an A LUT and a B character table are disclosed. Hasegawa discloses that Table 1 (in column 11), contains the image value and the exposure value of each character kind in the table B and table C. In Table 1, Hasegawa not only discloses a color value and a thickness value, but also discloses that the LUT table **includes image data values**. As such, Hasegawa indicates dependence between the LW and CT connection via table interdependence. Therefore, the gradation correction of the image data and the character table B of the character data are not independent as asserted by the Examiner.

Since the character table B is not entirely independent from the image data, the gradation process of the character data using the character table also would **not be independent** from the gradation processing of the image data.

In view of the above, Applicants respectfully submit that claim 1 is patentable over the cited references.

With regard to claims 2, 7 and 8, Applicants submit that they depend from claim 1, and therefore are allowable at least by virtue of their dependency.

Claims 3, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spiegel and Hasegawa as rejected in claim 2 in combination with Suzuki (US patent 7,034,984). Applicants traverse the rejection for at least the following reasons.

With regard to claim 3, 9 and 10, Applicants respectfully submit that since claims 3, 9 and 10 depend from claim 1, and since Suzuki does not cure the deficiency noted above with respect to claim, 1, they are allowable at least by virtue of their dependency.

Claims 4-6 and 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spiegel, Hasegawa and Suzuki in combination with well-known principles in the art of image processing. Applicants traverse the rejection for at least the following reasons.

With regard to claims 4-6, Applicants respectfully submit that they recite subject matter analogous to claims 1-3, and therefore are allowable at least for similar reasons claims 1-3 are allowable.

With regard to claims 11-14, Applicants respectfully submit that since claims 11-14 depend from claim 1, and since Suzuki and the well-know principles in the art of image process do not cure the deficiency noted above with respect to claim 1, they are allowable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Susan Perng Pan
Registration No. 41,239

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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